

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIFFANY WILLIAMS ET AL.,)	
)	
Plaintiffs,)	
)	2:18-cv-01353
v.)	
)	
BOB EVANS RESTAURANTS, LLC ET)	
AL.,)	
)	
Defendants.)	

ORDER

AND NOW, this 13th day of August, 2020, for the reasons stated in the Court's Opinion of this date, the Defendants' Motion at ECF No. 138 is GRANTED as to Defendant Bob Evans Farms, Inc. The claims against it are DISMISSED, and it is DISMISSED as a Defendant in this action, without prejudice and subject to the assertion of claims with specificity in a further amended complaint, if the Plaintiffs choose to replead at all, or as to that Defendant.

Additionally, the Defendants' Motion at ECF No. 139 is GRANTED in part and DENIED in part. The Defendants' Motion is GRANTED as to the Ohio tip credit notification claim at Count V, the Ohio overtime claim at Count VI, the West Virginia WPCA claim at Count X, the Illinois tip credit notification claim at Count XV, and the Illinois overtime claim at Count XVI. Those claims are all DISMISSED without prejudice, except as to Count XV, which is DISMISSED with prejudice. In all other respects, the Defendants' Motion at ECF No. 139 is DENIED.

The Plaintiffs' Motion for Conditional Certification, Approval of Proposed Notice Procedure and Equitable Tolling at ECF No. 141 is DISMISSED without prejudice as premature in light of the Court's Opinion and Order.

The Court will grant leave for the Plaintiffs to replead and file a Third Amended Consolidated Master Complaint within twenty-one (21) days of the date of this Order. Should the Plaintiffs fail to do so, all dismissals set out in this Order will be deemed to be with prejudice, without further notice or Order. All claims not repleaded within the time period set out in this Order will be deemed to have been dismissed with prejudice without further notice or Order.

s/ Mark R. Hornak

Mark R. Hornak
Chief United States District Judge

cc: All counsel of record